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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Michael Meiresonne

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EXAMINER

NGUYEN, MERILYN P

ART UNIT

PAPER NUMBER

2163

MAIL DATE

DELIVERY MODE

10/22/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: MICHAEL MEIRESONNE

Application 09/938,163
Technology Center 2100

Mailed: October 22, 2009

Before TINA D. LEE, *Supervisory Paralegal Specialist*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on October 20, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed in this application on October 16, 2009. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR § 41.43(a)(1) and MPEP § 1208, part II.

AMENDMENT AFTER FINAL

A review of the file indicates that on January 30, 2009, Appellant filed an Amendment After Final in response to the Final Rejection mailed October 1, 2008. It is not clear whether this Amendment has been considered because box 7 of an Advisory Action mailed February 10, 2009 fails to indicate whether or not the proposed amendment will or will not be entered for purposes of appeal. Clarification from the Examiner is required.

CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner to:

- (1) consider the Reply Brief filed October 16, 2009 as indicated above; and
- (2) appropriately respond to the Amendment After Final; and
- (3) take such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

TDL/tkl

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